AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

# FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 15 NUMBER 170

*Washington, Friday, September 1, 1950*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10158

FURTHER AMENDMENT OF EXECUTIVE ORDER NO. 10084 OF OCTOBER 12, 1949, PRESCRIBING REGULATIONS FOR THE ADMINISTRATION OF CERTAIN PROVISIONS OF THE CAREER COMPENSATION ACT OF 1949

By virtue of and pursuant to the authority vested in me by the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), Executive Order No. 10084 of October 12, 1949, entitled "Prescribing Regulations for the Administration of Certain Provisions of the Career Compensation Act of 1949", as amended by Executive Orders No. 10098 of January 25, 1950, No. 10118 of March 27, 1950, and No. 10136 of June 30, 1950, is hereby further amended as follows:

1. To the extent that such order adopts and prescribes regulations required or authorized to be prescribed by the President under sections 206 and 302 of the Career Compensation Act of 1949, it shall continue in effect until October 31, 1950.

This order shall become effective on September 1, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
*August 31, 1950.*

[F. R. Doc. 50-7757; Filed, Aug. 31, 1950; 11:37 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[ACP-1950-4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1950

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under section 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1950 National Agricultural Conservation Program, issued July 21, 1949 (14 F. R. 4627), as amended September 2, 1949 (14 F. R. 5520), December 16, 1949 (14 F. R. 7609), and February 8, 1950 (15 F. R. 791), is further amended as follows:

1. Section 701.103 (b) (1) (i) is amended by adding the following sentence immediately preceding "Maximum assistance":

§ 701.103 *Conservation practices and maximum rates of assistance.* * * *

(b) *Practices to develop cropping systems that protect the soil and restore, improve, and maintain soil productivity*—(1) *Growing adapted green manure or cover crops for soil protection and improvement.* * * *

(i) *Winter annual legumes or annual ryegrass.* * * * Acreages of Austrian Winter peas or lupine seeded in 1950 are not eligible for assistance if harvested for seed.

2. Section 701.103 (h) is amended by inserting the following sentence as the second sentence therein:

(h) *Prior approval.* * * * Prior approval of the county committee is also required for all other practices contained in this section in all States, except Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, New Jersey, Pennsylvania, Puerto Rico, Tennessee, Virginia, Virgin Islands, and West Virginia. * * *

3. Section 701.108 (a) is amended by deleting the words "designated by the ACP Branch as an area" in the first sentence, and adding the following at the end of the paragraph:

§ 701.108 *General provisions relating to payment*—(a) *Breaking out permanent vegetative cover.* * * *

For the purposes of the 1950 program, the areas subject to serious wind erosion shall include all counties in Kansas, Montana, Nebraska, New Mexico, North Dakota, and Wyoming; Larimer, Boulder, Jefferson, Douglas, Teller, El Paso, Pueblo, Huerfano, and Las Animas Counties, and all counties east thereof, in Colorado; Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward Counties in Oklahoma; Bennett, Brule, Buffalo, Butte, Campbell, Charles Mix, Corson, Custer, Dewey, Edmunds, Fall River, Faulk, Gregory, Haakon, Hand, Harding, Hughes, Hyde, Jackson, Jones, Lawrence, Lyman, McPherson, Meade, Mellette, Pennington, Perkins, Potter, Shannon, Stanley, Sully, Todd, Tripp, Walworth, Washabaugh, and Ziebach Counties in South Dakota; Armstrong, Dallam, Deaf Smith, Hansford,

(Continued on next page)

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### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.



## CODIFICATION GUIDE—Con.



Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, and Sherman Counties in Texas.

4. Section 701.108 (h) is amended to read as follows:

(h) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1950 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1950 on land in any farm in which he has an interest in excess of the cotton allotment under section 344 of the Agricultural Adjustment Act of 1938, as amended, for the farm for 1950.

Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1950 in excess of the 1950 cotton acreage allotment for the farm under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment whatsoever on that farm or on any other farm under 1950 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. Cotton will not be deemed to have been planted on any farm in excess of the farm acreage allotment if, after the acreage originally planted to cotton has been determined and notice thereof sent to the operator of the farm, the planted acreage is adjusted to the farm acreage allotment in the period allowed under the notice. If the operator is notified that the cotton acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment in the period allowed under the notice, the cotton acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton on the farm. Notice of overplanting mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm.

For the purposes of this paragraph, the acreage planted to cotton will include only acreage planted to upland cotton.

5. Section 701.109 (a) is amended by adding the following at the end thereof:

§ 701.109 *Application for payment*—(a) *Persons eligible to file applications.* * * *

The final date for filing an application for payment is February 28, 1951, in Hawaii, Puerto Rico, and the Virgin Islands; March 15, 1951, in New York; March 31, 1951, in Alaska; April 30, 1951, in New Hampshire, New Jersey, and Rhode Island; May 1, 1951, in Nevada; May 15, 1951, in Florida; June 30, 1951, in Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Louisiana, Mississippi, Montana, New Mexico, North Carolina, North Dakota, Pennsylvania, South Carolina, Vermont, Virginia, Washington, and Wyoming; July 1, 1951, in Maine; August 31, 1951, in Minnesota; December 31, 1951, in California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin. In those States for which the final date for filing an application for payment is earlier than December 31, 1951, the State committee may extend the final date to a date not later than December 31, 1951, when failure to file the application was due to conditions over which the farmer had no control.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 28th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 50-7676; Filed, Aug. 31, 1950; 8:46 a. m.]

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[ACP-1950-P. R. 2]

PART 702—SPECIAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1950—PUERTO RICO

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1950 Special Agricultural Conservation Program for Puerto Rico, issued December 28, 1949 (14 F. R. 7870), as amended May 12, 1950 (15 F. R. 2923), is further amended as follows:

1. Section 702.34 is amended by revising "Maximum assistance" to read as follows:

§ 702.34 *Practice 24: Applying to coffee trees fertilizer of grades approved for coffee by the Insular Department of Agriculture.* * * *

*Maximum assistance.* (a) For fertilizer delivered prior to May 1, 1950, 80 percent of cost f. o. b. mixing plant for the grade of material used.

(b) For fertilizer delivered on and subsequent to May 1, 1950, 80 percent of the fair price for the grade of material used, as determined by the State office.

2. Section 702.53 is amended to read as follows:

§ 702.53 *Excess cotton acreage.* (a) Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1950 in excess of the 1950 cotton acreage allotment for the farm under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment whatsoever on that farm or on any other farm under 1950 programs authorized by sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended. Cotton will not be deemed to have been planted on any farm in excess of the farm acreage allotment if, after the acreage originally planted to cotton has been determined and notice thereof sent to the operator of the farm, the planted acreage is adjusted to the farm acreage allotment in the period allowed under the notice. If the operator is notified that the cotton acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment in the period allowed under the notice, the cotton acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton on the farm. Notice of overplanting mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm.

(b) For the purposes of this section, the acreage planted to cotton will include only acreage planted to upland cotton.

(Sec. 4, 49 Stat. 164; U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 28th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 50-7677; Filed, Aug. 31, 1950; 8:46 a. m.]

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# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 5486]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INDEPENDENT DIRECTORY CORP. ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1440 *Identity.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* Subpart—*Securing orders falsely or misleadingly:* § 3.2180 *Securing orders falsely or misleadingly.* Subpart—*Securing signatures wrongfully:* § 3.2175 *Securing signatures wrongfully.* In connection with the offering for sale, sale or distribution in commerce, of advertising in telephone, industrial, commercial or other directories or registers, or in any other publication, using in the solicitation of such advertising by mail, advertisements which have been physically clipped or removed by or for the respondents from any publication issued by others than the respondents; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

*In the Matter of Independent Directory Corporation, an Illinois Corporation; Independent Directory Corporation, a New York Corporation; New Jersey Directory Corporation, a Corporation; William Oleck Advertising Corporation, a Corporation; and William Oleck, David Oleck and Maury Oleck, Individually and as Officers of the Aforesaid Corporations*

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondents' answers thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before trial examiners of the Commission theretofore duly designated by it, the trial examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel; and the Commission, having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents, Independent Directory Corporation, of New York, Independent Directory Corporation, of Illinois, William Oleck and Maury Oleck, have violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondents, Independent Directory Corporation, a New York corporation, and Independent Directory Corporation, an Illinois corporation, and their officers, and the respondents, William Oleck and Maury Oleck, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in telephone, industrial, commercial, or other directories or registers, or in any other publication, do forthwith cease and desist from using in the solicitation of such advertising by mail, advertisements which have been physically clipped or removed by or for the respondents from any publication issued by others than the respondents.

*It is further ordered*, For reasons appearing in the Commission's findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents, New Jersey Directory Corporation, William Oleck Advertising Corporation, and David Oleck, said dismissal being without prejudice, however, to the right of the Commission to institute a new proceeding against these respondents or to take such further or other action against them at any time in the future as may be warranted by the then existing circumstances.

*It is further ordered*, That the respondents, Independent Directory Corporation, a New York corporation, Independent Directory Corporation, an Illinois corporation, William Oleck and Maury Oleck, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the man-

ner and form in which they have complied with this order.

NOTE: Opinion of the Commission by Commissioner Carson and dissenting opinion of Commissioner Mason are filed as a part of the original document.

By the Commission, Commissioner Mason dissenting.

Issued: July 19, 1950.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-7659; Filed, Aug. 31, 1950; 8:45 a. m.]

# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 34—CLASSIFICATION AND RATES OF POSTAGE

#### POSTAGE RATES FOR AIR PARCEL POST

Whereas, the Postmaster General, under authority of section 1 (11), 62 Stat. 1097; 39 U. S. C. 475, is authorized and directed, for a period ending September 1, 1950, to adjust from time to time the weight limit, size, rate of postage, zone or zones or conditions, or either, applicable to air parcel post "in order to promote the service to the public and assure the receipt of revenue from such service adequate to pay the cost thereof"; and

Whereas, it is impracticable to comply with the notice and procedure requirements of section 4 of the Administrative Procedure Act;

It is hereby ordered that § 34.88 *Postage rates for air parcel post* (39 CFR), be amended as follows:

1. In paragraph (a) strike out subparagraphs (1) to (8), inclusive, and insert in lieu thereof a note to read as follows:

NOTE: See subparagraph (4) of paragraph (b) for the rates of postage established by the Postmaster General pursuant to authority contained in sec. 1 (11), 62 Stat. 1097; 39 U. S. C. 475.

2. In paragraph (b) strike out subparagraph (10) and amend subparagraphs (1), (2), (4), (5), (8), and (9) to read as follows:

(b) *Regulations*—(1) *Conditions.* The zone rates prescribed for parcels carried by air (including other transportation to and from air-mail routes) shall apply to mailable matter of any class weighing over 8 ounces but not more than 70 pounds nor exceeding 100 inches in length and girth combined, including written and other matter of the first class, whether sealed or unsealed.

(2) *Domestic.* The rate of 6 cents an ounce or fraction of an ounce will apply to all domestic air mail weighing up to and including 8 ounces, regardless of distance or zone; the zone rates prescribed by this section will apply to such mail weighing over 8 ounces, fractions of a pound being charged as a full pound.

(4) *Rate table.* The zone rates for parcels carried by air are shown in the following table:

AIR PARCEL-POST ZONE RATES

| Zones | First pound over 8 ounces | Additional pounds |
|---|---|---|
| | *Cents* | *Cents* |
| 1, 2, and 3 | 60 | 48 |
| 4 | 65 | 50 |
| 5 | 70 | 56 |
| 6 | 75 | 64 |
| 7 | 75 | 72 |
| 8 | 80 | 80 |

(5) *Army Post Offices, Fleet Post Offices, Territories, and Possessions.* The rate of 80 cents for the first pound (over 8 ounces to 1 pound) and 80 cents for each additional pound or fraction thereof shall be charged on parcels transported by air as follows:

(i) Between any point in continental United States and any point in its Territories and possessions falling in the eighth delivery zone, namely, Hawaii, Alaska, Guam, etc.

(ii) Between or within Territories and possessions of the United States where the eighth zone is applicable.

(iii) Between continental United States or its Territories and possessions and the Canal Zone.

(iv) Between United States or its Territories and possessions and overseas A. P. O.'s and Fleet Post Offices, as well as naval vessels and commands afloat addressed in care of Fleet Post Offices, New York, N. Y., or San Francisco, Calif.

(v) Between United States or its Territories and possessions and United States naval vessels station in foreign waters if foreign port is used as part of address.

Parcels weighing less than 10 pounds but exceeding 84 inches in length and girth combined shall be subject to the 10-pound rate.

(8) *Forwarding or return.* Air parcel post undeliverable as addressed is subject to forwarding and return postage. If it bears pledge to pay such postage without instructions as to whether by air or surface, it shall be sent by air, properly rated up. If sender requests forwarding or return by surface, it shall be rated and transmitted accordingly. This also applies to registered, insured, and c. o. d. matter sent via air parcel post, which is accepted with the understanding that forwarding and return postage is guaranteed. In case of other than registered, insured, and c. o. d. matter, if air parcels bear no pledge to pay forwarding or return postage, they should be held and sender notified with information as to amount required for both surface and air transportation.

(9) *Domestic registered, insured, and c. o. d.* Domestic registered, insured, and c. o. d. mail may be sent by air parcel post upon payment of the prescribed fees, which are in addition to the air zone postage, and surcharges when required on registered mail. All domestic registered mail sent by air parcel post must be securely sealed and postage must be prepaid thereon at the zone rates. First-class matter sent c. o. d. by air parcel post must also be sealed and be prepaid at the zone rates. Indemnity for insured mail sent at the air zone rates will be payable only for fourth-class matter. All domestic registered, insured, and c. o. d. mail prepaid at the air parcel post rates will be accepted with the understanding that the senders guarantee any return or forwarding postage which may be necessary.

The foregoing changes shall become effective November 1, 1950.

(Sec. 1 (11), 62 Stat. 1097; 39 U. S. C. 475)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 50-7734; Filed, Aug. 30, 1950; 2:59 p. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Subtitle A—Office of the Secretary of the Interior

### PART 5—FILMING OF MOTION PICTURES

#### ISSUANCE OF PERMIT; REPORT BY FIELD OFFICIALS

1. Paragraph (f) of § 5.5, entitled *Issuance of permit*, is amended to read as follows:

(f) The permittee, upon the request of the Secretary of the Interior, shall furnish to the Division of Information, Department of the Interior, Washington, D. C., for administrative use a 16 mm. print on acetate film of the footage taken pursuant to the permission granted hereunder.

2. Section 5.7, entitled *Report by field officials*, is amended to read as follows:

§ 5.7 *Report by field officials.* Every field official granting a permit shall, upon the conclusion of filming operations, report to the head of his bureau or office for transmittal through channels to the Secretary of the Interior, if in his judgment a print of the film footage should be requested for administrative use in accordance with § 5.5. The report shall be sufficiently descriptive to enable the Secretary to determine whether a print should be requested. No report will be required in other cases.

(R. S. 161, 453, 463, 2478, sec. 10, 32 Stat. 390, sec. 3, 39 Stat. 535, sec. 10, 45 Stat. 1224, sec. 2, 48 Stat. 1270; 5 U. S. C. 22, 16 U. S. C. 3, 715i, 25 U. S. C. 2, 43 U. S. C. 2, 1201, 373, 315a)

Issued this 24th day of August 1950.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

[F. R. Doc. 50-7663; Filed, Aug. 31, 1950; 8:45 a. m.]

# TITLE 44—PUBLIC PROPERTY AND WORKS

## Chapter III—Department of State

[Dept. Reg. 108.112; FLC Reg. 8, Amdt. 6]

### PART 308—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

#### IMPORTATION INTO UNITED STATES

Section 308.15 of FLC Regulation 8, as amended (Departmental Regulations 108.93, 108.100; 14 F. R. 5201, 15 F. R. 845), is hereby amended further by adding the following paragraph:

§ 308.15 *Importations into the United States.* * * *

For the purpose of this section, a complete and usable part of another article from which it has been detached shall not be considered as in other than the "same or substantially the same form in which it was exported from the United States" merely because it has been detached, and is imported separately, from the article of which it was a part. In any case of doubt, the question whether an article is "in the same or substantially the same form in which it was exported from the United States" shall be referred to the Secretary of Commerce, or a representative designated by him, for decision.

This order shall become effective upon publication in the FEDERAL REGISTER.

(58 Stat. 765, 59 Stat. 533, 60 Stat. 168, 60 Stat. 754, 50 U. S. C. App. Supp. 1611–1646; Pub. Law 152, 81st Cong.)

For the Secretary of State.

JOHN E. O'GARA,
*Acting Assistant Secretary, for Economic Affairs.*

AUGUST 25, 1950.

[F. R. Doc. 50-7671; Filed, Aug. 31, 1950; 8:45 a. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

### PART 9—AERONAUTICAL SERVICES

#### FREQUENCIES AVAILABLE

At the meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above-captioned matter in order to postpone the effective date for full implementation of the VHF program; and

It appearing, that footnote 4, § 9.321 (b) presently requires that the full implementation of the VHF program be accomplished by July 1, 1950; and

It further appearing, that the above date could not be met by the air carrier aircraft stations due to equipment procurement difficulties; and

It further appearing, that studies continue to be conducted with a view to recommending a firm date for the full implementation of the VHF program; and

It further appearing, that since a further delay in the postponement of the effective date of footnote 4, § 9.321 (b) is undesirable, it is impracticable to resort to the proposed rule making procedure of section 4 of the Administrative Procedure Act; and

It further appearing, that, since the proposed amendment involves a relaxation of existing requirements and, in addition, for the reason set forth in the preceding paragraph, this order may be made effective immediately; and

It further appearing that the public interest, convenience and necessity will be served by the amendment herein ordered, and that the authority therefor is contained in sections 4 (i), 303 (c) and (r) of the Communications Act of 1934, as amended.

*It is ordered*, That effective immediately, footnote 4, § 9.321 (b) of the Commission's rules and regulations governing the aeronautical services is amended to read as follows:

"Until further notice by the Commission, the VHF airdrome traffic control frequencies are also available to air carrier aircraft for simplex operation.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 307, 48 Stat. 1082, 1083, as amended; 47 U. S. C. 303, 307)

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7691; Filed, Aug. 31, 1950; 8:48 a. m.]

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[Docket No. 9612]

### PART 9—AERONAUTICAL SERVICES

#### MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above captioned matter which proposes to amend Part 9 of its rules and regulations governing aeronautical services in order to reflect current aviation policy and practice; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, a notice of proposed rule making was duly published in the FEDERAL REGISTER, on April 19, 1950, at page 2200, which notice proposed the aforementioned amendments and new sections of the Commission's rules and regulations governing aeronautical services, as well as an addition of footnote 3 (a) to § 9.312 (h); and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments has expired, and several comments were received and considered; one expressing an unqualified approval of the proposal; others, particularly directed to §§ 9.321 (e), 9.411 (d) and 9.412 (b), urging modification thereof in the particulars set forth below under (1) and (2) of the third further appearing clause hereof; and

It further appearing, that on May 31, 1950, the Commission adopted an order, effective that day, finalizing the proposed amendment to § 9.312 (h); and

It further appearing, that in addition to the rule amendment heretofore set forth in the notice of proposed rule making, the rule amendment herein ordered provides for the following three minor changes:

(1) Deleting reference to the frequency 3117.5 kc. from § 8.321 (e) in view of the present plan of the Civil Aeronautics Administration to discontinue watch on 3117.5 kc. at all communication stations and towers where this frequency has been in use;

(2) Permitting an exception to the provision of §§ 9.411 (d) and 9.412 (b) which would require all airdrome control stations to maintain a continuous listening watch during its hours of operation and be capable of transmitting on the emergency frequency 121.5 Mc by September 1, 1950, when a showing is made that such a service would not be required for the preservation of life and property in the air; and

(3) Changing the above-mentioned September 1, 1950, date to October 1, 1950, so as to achieve conformity with the effective date of this order; and

It further appearing, that the aforesaid changes in §§ 9.321 (e), 9.411 (d), and 9.412 (b) are minor in nature and, accordingly, compliance with the proposed rule making procedure of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, and that authority therefor is contained in sections 4 (i), 303 (a), (b), (c), (f) and (r) of the Communications Act of 1934, as amended;

*It is ordered*, That effective October 1, 1950, Part 9 of the Commission's rules is amended, without further proceedings, in the particulars set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083, as amended; 47 U. S. C. 303, 307)

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

1. The following paragraph is added to § 9.4:

(e) *Operational fixed station.* A fixed station not open to public correspondence operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Services.

2. Section 9.321 (e) is amended to read as follows:

(e) 3105 kc.: Available to air carrier aircraft only where service on the appropriate very high frequency is not available or where service is suspended due to equipment failure.

3. Section 9.411 (d) is amended to read as follows:

(d) 121.5 Mc.: This frequency is a universal simplex channel for emergency and distress communications and service on this frequency shall be provided by all airdrome control stations, on or before October 1, 1950: *Provided however*, That upon application therefor the Commission may exempt any station from this requirement when a showing is made that such service is not required in the preservation of life and property in the air.

4. Section 9.412 (b) is amended to read as follows:

(b) The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operation on the aircraft calling and working frequencies as follows: 3105 kc.; 122.5, 122.7 or 122.9 Mc. (until further notice watch on 122.5 Mc. only); and after October 1, 1950 on the emergency frequency 121.5 Mc.: *Provided however*, That upon application therefor the Commission may exempt any station from the emergency frequency watch requirement when a showing is made that such service is not required in the preservation of life and property in the air.

5. A new subpart entitled Operational Fixed Stations containing §§ 9.446 and 9.447 is added as follows:

OPERATIONAL FIXED STATIONS

§ 9.446 *Service authorized.* Operational fixed stations in the aeronautical fixed service are authorized primarily for link or control circuits.

§ 9.447 *Frequencies available.* Operational fixed stations in the aeronautical fixed service will share the frequency bands allocated to operational fixed stations with other services as follows:

(a) Four frequencies in the band 72–76 Mc. in any area are available to operational fixed stations in the aeronautical fixed service on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5 and provided that adequate land line facilities are not available.

(b) Band 952–960 Mc.
(c) Band 1850–1990 Mc.
(d) Band 2110–2200 Mc.
(e) Band 2500–2700 Mc.
(f) Band 6575–6875 Mc.
(g) Band 12200–12700 Mc.

(h) In filing an application for an operational fixed station in the aeronautical fixed service, the applicant may leave blank section 16 (1) of FCC Form 401, since it will be necessary for the Commission to determine the specific frequency being assigned.

[F. R. Doc. 50-7693; Filed, Aug. 31, 1950; 8:48 a. m.]

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[Docket No. 9624]

PART 10—PUBLIC SAFETY RADIO SERVICES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter to correct certain typographical and clerical errors in the original text, clarify some of the requirements, and to amend §§ 10.106 and 10.255 to provide that in addition to frequencies previously available for high power operation in the Police Radio Service stations operating on frequencies in the band 42–46 Mc. may employ maximum plate input power not in excess of 10,000 watts, and further amendment of § 10.255 to permit use of the frequency 7805 kc. for fixed daytime police operation in Alaska with A3 emission.

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter which made provision for the submission of comments of interested parties was duly published in the FEDERAL REGISTER on April 28, 1950, and that the period for filing comments has expired;

It further appearing, that comments filed by interested parties were favorable to adoption of all of the amendments proposed except § 10.152 relating to station identification and that part of § 10.255 which relates to assignment of the frequency 7805 kc. for use of fixed police radio stations operating with A3 emission in Alaska;

It further appearing, that §§ 10.152 and 10.255 have now been revised to meet these objections, and that although the proposed change of § 10.255 makes the substitute frequency 7480 kc. available for fixed police operation with A3 emission in Alaska, existing licensees are not expected to be adversely affected by such change and because of the present national emergency relating to military operations in Korea further rule-making procedures with respect to this matter would be impracticable and contrary to the public interest;

*It is ordered*, That effective October 2, 1950, Part 10 be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: August 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

1. In §§ 10.255 (g), 10.305 (f), 10.355 (d), 10.405 (e), and 10.455 (e) change the band 16,600 to 18,000 to read "16,000 to 18,000 with limitations 1, 2."

2. In § 10.355 (d) delete limitation notes 7, 9 and 10, on the frequency 31.02 Mc.

3. In § 10.65 change paragraph (c) to read as follows:

(c) Requests for changes outlined in paragraph (b) of this section shall be submitted to the Commission on FCC Form 401a, in quadruplicate. Each copy shall be accompanied by a sketch showing the proposed change in the antenna or antenna supporting structure. If the antenna or antenna supporting structure is marked, a description of the marking shall be furnished.

4. In § 10.105 redesignate paragraph (d) as paragraph (c) and change to read as follows:

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level: *Provided, however*, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

5. In § 10.107 change paragraph (c) to read as follows:

(c) Each station which is not authorized for unattended operation shall be provided with a control point, the location of which will be specified in the license. Unattended stations may be provided with a control point if authorized by the Commission. In urban areas the location will be specified "same as transmitter" unless the control point is at a street address different from that of the transmitter. In rural areas the location will be specified "same as transmitter" unless the control point is more than 500 feet from the transmitter, in which case the approximate location will be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively. It will be assumed that the location of the control point is the same as the location of the transmitter unless the application includes a request for a different location described in appropriate terms as indicated in this paragraph. Authority must be obtained from the Commission for the installation of additional control points.

6. Change § 10.109 to read as follows:

§ 10.109 *Radio station tests.* (a) After a station of any type has been licensed, tests may be conducted as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken to avoid interference to other stations.

(b) Except as indicated in paragraph (c) of this section, when construction or installation of any radio transmitting apparatus has been completed, in accordance with the terms of a construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local Radio District of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington an application on FCC Form 403 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When either a construction permit, or a construction permit and modified license, authorizes only the addition of mobile units to a licensed station, the notification indicated in paragraph (b) (1) of this section need not be made.

(d) When a new mobile station is authorized by the simultaneous issuance of a construction permit and license, as provided in Subpart B, the licensee shall immediately notify the Engineer-in-Charge of the local Radio District in writing that such an authorization has been received. This notification shall include the name and address of the licensee, the assigned call signal, the authorized frequencies, and the general area of operation.

7. In § 10.105 delete existing paragraph (a). Redesignate existing paragraphs (b), (c), and (d) as (a), (b), and (c), respectively.

8. Change § 10.152 to read as follows:

§ 10.152 *Station identification.* (a) The required identification for stations in these services shall be the assigned call signal.

(b) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however,* Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(c) Except as indicated in paragraphs (d), (e), and (f) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(d) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(e) A mobile station which is either separately licensed to a different licensee, transmits on any frequency other than the transmitting frequency of the associated base station, or which has no associated base station shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the required identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the required identification. For the purpose of this paragraph, the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(f) Stations which are entirely automatic in their operation will be considered for exemption from the requirements of paragraph (c) of this section.

9. In § 10.157 change paragraph (b) to read as follows:

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed transmitter Identification Card (FCC Form 452-C) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

10. In § 10.157 add new paragraph (c) to read as follows:

(c) The current authorization for each base or fixed station authorized to operate at temporary locations, shall be either posted at the control point of the station or retained in an envelope or other container affixed to the transmitting apparatus, either inside or outside of the transmitter cabinet.

11. In § 10.104 (c) (2) change table to read as follows:

| Maximum authorized plate power input to the final radio frequency stage: | *Attenuation (db)* |
|---|---|
| 3 watts or less | 40 |
| Over 3 watts and including 25 watts | 50 |
| Over 25 watts and including 150 watts | 60 |
| Over 150 watts and including 600 watts | 70 |
| Over 600 watts | 80 |

12. In § 10.106 change paragraph (b) to read as follows:

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, plate power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

| Frequency range: | *Maximum plate power input to the final radio frequency stage (watts)* |
|---|---|
| 1.6 to 3 Mc | 2,000 |
| 3 to 25 Mc | 1,000 |
| 25 to 100 Mc | 500 |
| 100 to 450 Mc | 600 |
| Above 450 Mc | (1) |

[1] In accordance with developmental authorization.

13. In § 10.255 (g) add limitation 13 to the following frequencies: 1610, 1618, 1626, 1634, 1642, 1650, 1658, 1666, 1674, 1682, 1690, 1698, 1706, 1714, 1722, 1730, and 2490 kc; 42.02, 42.06, 42.10, 42.14, 42.34, 42.38, 42.42, 42.46, 42.50, 42.54, 42.58, 42.62, 42.82, 42.86, 42.90, 42.94, 44.62, 44.66, 44.70, 44.74, 44.94, 44.98, 45.02, and 45.06 Mc.

14. In § 10.255 (h) add subparagraph 13 to read as follows:

(13) Subject to the restrictions contained in paragraph (a) of § 10.106, base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum plate input power to the final radio frequency stage in excess of the maximum indicated in paragraph (b) of § 10.106 but, not in excess of 10,000 watts: *Provided,* That such operation will cause no harmful interference to the service of other stations.

15. In § 10.255 (g) add limitation 14 to the frequency 7480 kc.

16. In § 10.255 (h) add subparagraph 14 to read as follows:

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point to point radiotelephone communication, using type A3 emission and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

[F. R. Doc. 50-7690; Filed, Aug. 31, 1950; 8:47 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[S. O. 848, Amdt. 2]

### PART 95—CAR SERVICE

### REFRIGERATOR CARS FOR TRANSPORTING COTTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of August A. D. 1950.

Upon further consideration of Service Order No. 848 (15 F. R. 1222), and good cause appearing therefor: It is ordered, that:

Section 95.848 *Refrigerator cars for transporting cotton,* of Service Order No. 848 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1950, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p. m., August 31, 1950.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7693; Filed, Aug. 31, 1950; 8:48 a. m.]

# NOTICES

## POST OFFICE DEPARTMENT

POULTRY AND POULTRY EGGS

IMPORTATION TO CANADA PROHIBITED

The Canadian Department of Agriculture now prohibits the importation into that country of poultry and poultry eggs. This action on the part of the Canadian authorities is stated to be necessary as a means of combating the further introduction of Newcastle Disease, a serious outbreak of which has occurred in that country.

The term "poultry" refers to chickens, turkeys, pigeons, geese, ducks or other barnyard fowl or other birds raised under domestic conditions, and includes day-old fowl normally accepted in the mails to Canada.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
*Postmaster General.*

[F. R. Doc. 50-7667; Filed, Aug. 31, 1950; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9761-9773]

TELEPHONE MESSAGE SERVICE OF YONKERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Telephone Message Service of Yonkers, Yonkers, New York, Docket No. 9761, File Nos. 1316 and 1372-C2-ML-E; Harold W. Graf, Hempstead, New York, Docket No. 9762, File Nos. 2040/2041-C2-ML-E; Harold W. Graf, Bay Shore, New York, Docket No. 9763, File Nos. 1223/1224-C2-P-E; Telephone Secretarial Service, Inc., Newark, New Jersey, Docket No. 9764, File Nos. 4855/4856-C2-ML-E; Peter T. Kroeger, d/b as Mobile Radio Dispatch Service, New Brunswick, New Jersey, Docket No. 9765, File Nos. 3639/3640-C2-ML-E; J. J. Freke-Hayes, New York, New York, Docket No. 9766, File Nos. 3041/3042-C2-ML-E; Solomon Schiller, Brooklyn, New York, Docket No. 9767, File Nos. 2892/2893-C2-ML-E; Westchester Mobilfone System, Inc., Mt. Pleasant, New York, Docket No. 9768, File Nos. 3534/3535-C2-ML-E; Huntington Radio Dispatch Service, tr/as Knights Packard Service, Huntington, New York, Docket No. 9769, File No. 18666-C2-P-E; U-Dryvit Auto Rental Co., Inc., Stamford, Connecticut, Docket No. 9770, File No. 4967-C2-P-E; James P. Rogers, d/b as Suburban Radiotelephone, West Orange, New Jersey, Docket No. 9771, File No. 5170-C2-P-E; Mildred Tarone, d/b as Doctors' Telephone Exchange and Huntington Telephone Answering Service, Huntington, New York, Docket No. 9772, File Nos. 12015/12016-C2-P/L-E; Electro Craft, Inc., Stamford, Connecticut, Docket No. 9773, File Nos. 4974/4975-C2-P-E.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 23d day of August 1950;

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the Domestic Public Land Mobile Radio Service in the vicinity of New York City, New York;

It appearing, that the number of applicants for such facilities in this area exceeds the number of frequencies available for this area; and

It further appearing, that, in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing public radiocommunication services (other than maritime mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the above-entitled applications request authorizations in overlapping service areas and that a grant of such applications might result in harmful mutual interference;

*It is ordered*, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at Washington, D. C., on a date to be hereafter specified, upon the following issues:

1. To determine the legal, technical, and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed station and the need for such service in the area proposed to be served.

3. To determine whether co-channel operations are feasible between any of the communities involved in this proceeding.

4. To determine whether and to what extent adjacent channel operations may be feasible.

5. To determine the extent and degree of mutual interference which would be caused by operation of the proposed stations.

6. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

7. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

8. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding, should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7682; Filed, Aug. 31, 1950; 8:47 a. m.]

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[Docket No. 9776]

BELEN BROADCASTING CORP. (KENE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Belen Broadcasting Corporation (KENE), Belen, New Mexico; Docket No. 9776, File No. BL-3709; for license to cover construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above entitled application for license to cover the construction permit of station KENE, Belen, New Mexico, and not being satisfied that it is in possession of full information as is required by the Communications Act of 1934, as amended, and acting pursuant to sections 309 (a) and 319 (b) of the act;

*It is ordered*, That the above entitled application be designated for hearing to be held at 10:00 a. m., Tuesday, November 14, 1950, at Belen, New Mexico, on the following issues:

1. To determine whether all transfers of stock in the permittee corporation have been reported in accordance with §§ 1.321, 1.342 and 1.343 of the Commission's rules and regulations.

2. To determine whether the construction permit for station KENE, or the rights and responsibilities incident thereto, have been transferred or assigned, directly or indirectly, in contravention of section 319 (b) of the Communications Act of 1934, as amended, and whether, in the event of such unauthorized transfer, the station has been operated in contravention of section 301 of the Communications Act of 1934, as amended.

3. To determine whether the permittee corporation is legally, technically, financially, and otherwise qualified to operate station KENE, and, more particularly, to determine the qualifications of Donald H. Crandal, Executive Vice-President and Chairman of the permittee's Board of Directors, in view of his alleged conviction, on February 10, 1950, on charges of entering false claims against the United States Government.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7683; Filed, Aug. 31, 1950; 8:47 a. m.]

[Designation Order No. 49]

DESIGNATION OF MOTIONS COMMISSIONER

In re Designation of motions commissioner, for the month of September 1950, Designation Order No. 49.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 23d day of August 1950;

*It is ordered*, Pursuant to Section 0.111 of the Statement of Delegations of Authority, that George E. Sterling, Commissioner, is hereby designated as Motions Commissioner for the month of September 1950.

*It is further ordered*, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7689; Filed, Aug. 31, 1950; 8:47 a. m.]

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[Docket Nos. 9684, 9709]

WXLT AND KFMA

ORDER DESIGNATING REVOCATION OF LICENSES FOR CONSOLIDATED HEARING

In the matter of Revocation of license of station WXLT, Ely, Minnesota, Docket No. 9684, and Revocation of permit of station KFMA, Davenport, Iowa, Docket No. 9709.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration an application filed on June 28, 1950, by L. W. Andrews, Inc., permittee of station KFMA, requesting a hearing under the authority of section 312 (a) of the Communications Act of 1934, as amended, upon the Commission's order of revocation adopted with respect to station KFMA on June 21, 1950;

It appearing, that the Commission on May 23, 1950, revoked the license of station WXLT, held by the Ely Broadcasting Company, and on July 6, 1950, granted the request of the Ely Broadcasting Company for hearing on the matter; and

It further appearing, that both of the above entitled proceedings arose from the same fact situation, and that it would, therefore, conduce to the prompt dispatch of the Commission's business, and would serve the public interest, to consolidate the two above entitled proceedings; and

It further appearing, that the hearing on the revocation order as to station WXLT was scheduled to be held in Ely, Minnesota, on September 27, 1950, and that now, in view of the consolidation of the two proceedings, it would better serve the convenience of all the parties concerned, and would conduce to the prompt dispatch of Commission business, to hold such hearing in St. Paul, Minnesota;

*It is ordered*, That pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above entitled revocation hearings as to stations WXLT and KFMA be designated for hearing in a consolidated proceeding on the following issues:

(A) As to station WXLT: On all matters pertinent to the Commission's Order of Revocation, dated May 23, 1950, and on the further issue relating to the legal sufficiency of the application for hearing filed by the Ely Broadcasting Company, as set out in the Commission's order of July 6, 1950, designating the WXLT matter for hearing; and

(B) As to station KFMA: On all matters pertinent to the Commission's Order of Revocation, dated June 21, 1950;

*It is further ordered*, That the said consolidated hearing shall be held commencing at 10:00 a. m., September 27, 1950, at St. Paul, Minnesota, before George E. Sterling, presiding Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7684; Filed, Aug. 31, 1950; 8:47 a. m.]

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[Docket No. 9496]

VERMILLION BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Vermillion Broadcasting Corporation, Danville, Illinois, Docket No. 9496, File No. BP-7114; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above-entitled application of Vermillion Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 980 kc, with 1 kw power, unlimited time, using a directional antenna, at Danville, Illinois;

It appearing, that the applicant is legally, technically, and financially qualified to operate the proposed station, but that the application may involve interference with one or more existing stations;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 5, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations KMBC, Kansas City, Missouri, WSIX, Nashville, Tennessee, WONE, Dayton, Ohio, WCFL, Chicago, Illinois, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

*It is further ordered*, That Midland Broadcasting Company, licensee of KMBC, Kansas City, Missouri, Jack M. Draughon and Louis R. Draughon, d/b as WSIX Broadcasting Station, licensee of WSIX, Nashville, Tennessee, Skyland Broadcasting Corporation, licensee of WONE, Dayton, Ohio, and Chicago Federation of Labor, licensee of WCFL, Chicago, Illinois, are hereby made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7685; Filed, Aug. 31, 1950; 8:47 a. m.]

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[Docket No. 9640]

SCRANTON RADIO CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Scranton Radio Corporation, Scranton, Pennsylvania, Docket No. 9640, File No. BP-7184; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of August 1950;

The Commission having under consideration the above-entitled application of Scranton Radio Corporation requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Scranton, Pennsylvania;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, except as to matter covered by Issue No. 1, below, but that the proposed station may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice, particularly with reference to coverage of the city of Scranton and the Scranton - Wilkes - Barre metropolitan area;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 6, 1951, at Washington, D. C., upon the following issues:

1. To determine the citizenship of Michael Augustyn, a stockholder and director in the applicant corporation.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with station WEST, Easton, Pennsylvania, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the coverage of the city of Scranton and the Scranton-Wilkes-Barre metropolitan area.

*It is further ordered*, That Associated Broadcasters, Inc., licensee of Station WEST, Easton, Pennsylvania, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7686; Filed, Aug. 31, 1950; 8:47 a. m.]

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[Docket No. 9655]

PARIS BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Paris Broadcasting Corporation, Paris, Illinois, Docket No. 9655, File No. BP-7496; for construction permit.

The Commission having under consideration a petition filed August 21, 1950, by Paris Broadcasting Corporation requesting that the hearing in the above-entitled proceeding now scheduled to be heard August 25, 1950, be continued indefinitely; and

It appearing that there is now pending before the Commission a petition of Paris Broadcasting Corporation requesting the Commission to reconsider its action in designating said application for hearing and to grant said application without a hearing, and it cannot be determined at this time when the Commission will act on said petition; and

Good cause having been shown for the requested continuance and the General Counsel having consented thereto and to waive the provisions of § 1.745 of the Commission's rules insofar as said rule requires that a petition must be on file for 4 days before being acted upon;

*It is ordered*, This the 22d day of August 1950, that the petition for continuance is granted and the hearing is continued to a date to be announced by the Commission after action has been taken on applicant's presently pending petition to reconsider and grant without a hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7688; Filed, Aug. 31, 1950; 8:47 a. m.]

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[Docket Nos. 8415, 8870]

KANSAS CITY BROADCASTING CO., INC., AND REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

MEMORANDUM OPINION AND ORDER REOPENING RECORD

In re applications of Kansas City Broadcasting Co., Inc., Kansas City, Missouri, Docket No. 8415, File No. BP-5829; Reorganized Church of Jesus Christ of Latter Day Saints, Independence, Missouri, Docket No. 8870, File No. BP-6630; for construction permits.

The Commission, by the undersigned Hearing Examiner, has under consideration: (1) A petition filed on June 27, 1950, on behalf of Kansas City Broadcasting Company, Inc., seeking a waiver of § 1.365 (a) and leave to amend its application as set out in an accompanying amendment, and a reopening of the record for further hearing; (2) a petition filed on July 17, 1950, on behalf of the Reorganized Church of Jesus Christ of Latter Day Saints seeking leave to amend its application as set out in an accompanying amendment and to reopen the record for further hearing; (3) an opposition to the Reorganized Church petition filed on July 25, 1950, on behalf of Kansas City Broadcasting Co., Inc.; and (4) statements of counsel for each applicant and for the Commission made at oral arguments before the Hearing Examiner on July 10 and August 2, 1950, transcripts of which have been filed with the Commission. The matters presented merit a brief statement of the pertinent history of this proceeding.

The two mutually exclusive applications for new broadcast stations at Kansas City and Independence, Missouri, were heard in April and May of 1948 at Kansas City, at Independence and at Washington, D. C. The record, consisting of more than 2,000 pages of testimony and exhibits, was closed on June 1, 1948, and proposed findings of fact and conclusions of law were thereafter filed on behalf of each applicant. The Hearing Examiner's initial decision, dated December 9, 1949 (released December 14, 1949, 5 RR 1057), concluded that Kansas City Broadcasting Company, Inc. lacks the qualifications required of a broadcast station licensee, and therefore denied its application. The Reorganized Church application was also denied without prejudice to the right of that applicant to petition for reconsideration of the action within thirty days after announcement of the Commission's conclusions concerning a policy question relating to religious broadcasting pending in Docket No. 9470. The Reorganized Church filed on January 30, 1950, a "Petition to Remand Initial Decision to Hearing Examiner with Instructions"; on February 6 the Kansas City applicant filed its opposition to the petition to remand; and on February 13 the General Counsel of the Commission filed a statement in support of the petition to remand and requested enlargement of the instructions to be given upon remand. The Commission, by Order of June 22, 1950 (released June 26, 1950, 5 RR 1110-a, and hereinafter referred to as the remand order) remanded the proceedings to the Hearing Examiner.

The remand order shows that the Commission concluded: (a) That the denial without prejudice of the Reorganized Church application did not effect a decisional disposition thereof; (b) That the initial decision evidenced "material omissions in the findings of fact and conclusions * * * with respect to the legal qualifications of the Reorganized Church * * * which could have been disposed of under the designated issues in this proceeding, and that such material omissions relate to the following questions:

"(1) Whether the Reorganized Church * * * is a person or entity within the meaning of section 3 (l) of the Communications Act and legally qualified to assume the duties and responsibilities of a broadcast licensee, since there is an absence of articles of association or other organic acts identifying the unincorporated membership association, showing how the affairs of the organization are conducted, and vesting authority and specified duties and responsibilities in governing boards and various offices;

"(2) Whether the Reorganized Church * * * as an unincorporated membership association, has made an appropriate and sufficient showing with respect to the citizenship of its membership in accordance with section 310 of the Communications Act, and in view thereof whether the applicant is qualified to be a licensee;

"(3) Whether the Reorganized Church * * * in accordance with section 310 of the Communications Act, is legally qualified to be a licensee since one member of its governing board is an alien;

"(4) Whether the program proposals of the Reorganized Church * * * constitute a diversified program structure which would meet the needs of the areas and populations proposed to be served and which would be in the public interest";

and (c) That the orderly dispatch and administration of the Commission's formal hearings require dispositive findings and conclusions in initial decisions. The Commission thereupon ordered, "That (1) the Initial Decision herein is vacated and set aside; and (2) that the proceeding is remanded to the Examiner previously appointed for further proceedings consistent with this Order".

We are constrained first to state our views upon the authority of the Hearing Examiner to rule upon the pleadings in relation to the provisions of §§ 1.844, 1.743-1.749, 1.853 (c) (3) and (4), and the meaning and intent of the remand order. The authority of the Hearing Examiner to rule upon pleadings termi-

nated upon submission of the initial decision, § 1.844; but the remand order reinvested some authority in him. Upon review of the initial decision the Commission, under paragraph (c) (3) of § 1.853, could have reopened the record and remanded the proceeding to the Hearing Examiner for the taking of further testimony or evidence, but it did not do so. Under paragraph (c) (4) of that section, the Commission could, and it did, remand the proceedings to the presiding officer to make further findings and conclusions. The remand order vacated and set aside the initial decision, not in part, but entirely. The precise question, therefore, is whether the vacating and setting aside of the initial decision coupled with a remand order for further proceedings consistent therewith restores to the Hearing Examiner complete authority to grant or deny petitions for amendment, for reopening of the record and for further hearing upon the applications as amended. Briefly stated at this point, the amendments proposed would substitute newcomer individuals in two of the three officer-director positions of Kansas City Broadcasting Company, Inc., and would substitute a benevolent corporation for the Reorganized Church applicant, an unincorporated association. We do not believe that a grant of the petitions before us would be inconsistent with the remand order because that order necessarily disposed of only those matters before the Commission at that time and as therein stated. The Commission was not then considering possibilities of later procedural questions and consequently it did not intend by its remand order to curtail the Hearing Examiner's authority under existing rules to pass upon subsequently presented pleadings. The pleadings before us would be within the Hearing Examiner's jurisdiction had they been presented prior to the initial decision, § 1.743. Vacating the initial decision restores the proceeding to that pre-decision status and we hold that the remand order instructions for further proceedings consistent therewith do not limit the Hearing Examiner's authority stated in the section. We therefore proceed to examine the merits of the pending petitions.

The petition of Kansas City Broadcasting Co., Inc., requests a waiver of § 1.365 (a). Although counsel for that applicant stated at the oral argument that the request for waiver of the rule is unnecessary because the petition for amendment is within the terms of the section, we deem it necessary to consider the question thus presented. The latter portion of that section includes this statement: "A petition to amend an application will not be accepted * * * (except if merely corrective in nature) * * * if it is filed after public notice * * * of * * * an Initial Decision * * *." It is conceded that the proposed amendment is not merely corrective. Reference is made to this portion of the section in the Commission's Memorandum Opinion and Order of May 23, 1950 (released May 24, 1950, 6 RR 368 @373) in the proceedings involving the applications of Easton Publishing Company, et al., Docket No. 7179, wherein it is stated:

> We believe it would be improper to allow the applicants to substitute new parties among their major stockholders, who, in the light of the court's decision might, upon reexamination by the Commission, increase the chances of such applicant to secure eventual approval of its application. To do so would be the equivalent to allowing parties to amend their applications after the issuance of a proposed or initial decision, in order to improve their chances of securing an ultimate grant—a practice which is specifically prohibited by § 1.365 of the commission's rules.

In view of our conclusions hereinafter stated we believe it unnecessary to undertake here to discuss the applicability of the stated principle to amendments proposed after the setting aside by the Commission of a Hearing Examiner's initial decision. We do not deny the petition of either applicant on the narrow ground that the cited section of § 1,365 prohibits the amendments proposed. Instead, we have applied to the proposed amendments the test of sufficiency set out in § 1.365 as follows: "Requests to amend an application after it has been designated for hearing * * * will be granted only for good cause shown." Consequently, the petitions are examined upon the merits and in the light of requirements stated by that rule provision.

The Kansas City applicant's petition seeks opportunity to show by amendment and by evidence to be submitted at a further hearing for the reopened record, that: (a) Ira L. Childers, president and a director and the owner of 10 shares of stock in the applicant corporation, on February 22, 1949 resigned both official positions, transferred his stock to his wife (not formerly a participant in the applicant corporation), who subsequently transferred the stock to the corporation; consequently, that Mr. Childers is not now a director, officer or stockholder, although he is still a subscriber for capital stock to the extent shown by the record herein; (b) that one Vernon Grace, Jr., (a newcomer to this proceeding who has purchased and subscribed for 10 shares of stock), was elected on January 16, 1950 to succeed Mr. Childers as vice-president and director; and that Mr. Grace has resided since birth in Kansas City, is a graduate of the public schools there, and has subsequently obtained certain specified military, radio broadcast, educational and civic experience; (c) that Fred Zimmerman, Jr., secretary-treasurer and a director of the applicant corporation, on January 16, 1950 relinquished those positions; (d) that Zimmerman was then replaced in both official capacities by one M. H. Lefforge, (a newcomer to this proceeding was has purchased and subscribed for 10 shares of stock), who has lived in Pittsburg, Kansas and Kansas City, Missouri since birth; and that Lefforge is a public school graduate with specified experience in accounting positions with railroad and air transportation companies; (e) that three named stock subscribers for an aggregate of 35 shares of stock have transferred their subscription rights and obligations, thereby increasing by $1,500 (for 15 shares) the subscription obligation of an existing stock subscriber and thereby creating $1,000 subscription obligations on the part of a Mr. and Mrs. Holt, and on the part of a Mrs. McSpadden, who are strangers to the record in this proceeding.

The Kansas City Broadcasting Company, Inc. petition should be denied in its entirety. The now vacated initial decision in this proceeding denied the Kansas City Broadcasting Company, Inc. application after a full and complete hearing, at which the qualifications of that corporate applicant were extensively inquired into. It was therein concluded that this corporation is not qualified to become a broadcast station licensee primarily because of the evidenced incompetency and irresponsibility of its officers and directors of whom there are three. (See the initial decision in this proceeding: Findings 12, 21, 26, 92–103; Conclusions 18–25; 5 RR pp. 1061, 1065, 1066, 1084–1089, 1105–1108). The applicant, by its petition, would now have the Commission to afford it a further hearing on an amended application and thereupon to determine the qualifications of the corporation with its present officers, directors and stockholders, two-thirds of whom are complete strangers to this hearing record. Fortuitously or by design, two officers and directors whose meager qualifications substantially contributed to the reasons for denying the corporate application would be removed. This applicant has not shown or stated why the resignation of its Vice-President and Director Childers was effected; neither has it stated why that event in February of 1949 was not reported either before the initial decision in December of 1949 or before the remand order in June of 1950. Likewise the applicant advanced no reasons for the replacement, after the initial decision, of its treasurer and director Fred Zimmerman, Jr.

It is contended that since the applicant's president Wendell Zimmerman did and does own more than 50% of the corporate stock, the corporation's qualifications must be determined primarily on that basis without significant regard to the individuals who may be the other two officers and directors; that the public interest will be best served by granting the petition, examining the present facts relating to the corporation's qualifications and basing the decision to be rendered thereon. We cannot agree with these contentions. They might with equal force be urged in virtually every case in which the Commission decides adversely to an applicant upon record facts which might thereafter be so altered as to modify or relieve the adversities enunciated by the decision. The Commission's rules and orderly administration forbid such procedures. Section 1.365 permits amendment after designation for hearing "only for good cause shown". It is abundantly clear that this applicant has not met the burden of showing such good cause and the amendment and further hearing therefore cannot be allowed.

The petition for amendment and for further hearing on behalf of the Reorganized Church applicant seeks to substitute as applicant a benevolent corporation, RLDS Broadcasting Company. The applicant heard was the Reorgan-

ized Church of Jesus Christ of Latter Day Saints which is an unincorporated voluntary religious association. The initial decision conclusion that the applicant is legally qualified to become a broadcast station licensee was challenged by the statement of the Commission's General Counsel in his request for a remand of this proceeding. He raised certain questions about the applicant's legal qualifications, which are substantially embodied in paragraphs (1), (2) and (3) of the remand order as hereinabove quoted. In the further proceedings specific consideration must be given to those matters. It is the stated purpose of the Reorganized Church amendment to relieve the applicant of those possible legal impediments to its becoming a broadcast station licensee.

In support of the Reorganized Church petition it is argued that the Commission has heretofore frequently and consistently granted broadcast station licenses and renewals thereof to unincorporated church associations (it was pointed out that this applicant was licensee of KLDS from 1925 to 1929) and to an unincorporated labor organization; that the Commission in previous proceedings involving those licenses, has not questioned the legal qualifications of such associations, their members or their trustees to own and operate broadcast stations; that no special issue stated in the order upon which this hearing was conducted indicated that the Commission was concerned about the legal qualifications of the religious association; and finally, that the fact that one of the 18 members of the applicant's governing board is not a United States citizen was made known to the counsel for that applicant for the first time at the hearing. It is urged that the unprecedented technical legal questions introduced by the Commission's remand order—first presented in the General Counsel's statement filed February 13, 1950—in effect constitute unanticipated elements of surprise resting on "technical niceties". The applicant offers its amendment as a "change of form rather than substance", because the officers and directors of the proposed corporate applicant are the leading officials of the original applicant association (not including the non-citizen member), whose qualifications have been established on the record in this proceeding. It is argued that this does not constitute either a transfer of control or a new applicant, although it was subsequently stated by applicant's counsel that the proposal does constitute "a technical transfer of control * * * no substantial change in the parties in interest * * *".

We believe that the Reorganized Church petition for amendment and for further hearing should be denied. The applicant's objective to escape the possible legal qualification issues set out in the remand order was established and pursued to this stage only after the Commission's General Counsel pointed out the nature of those issues. The remand order does not state any new issue not encompassed in those upon which the hearing record was compiled. The applicant was aware that its legal qualifications were at issue in the hearing. By the inquiry directed in the remand order to section 310 of the Communications Act, the Commission has not decided, and we now do not decide, the applicant's legal qualifications thereunder. The statutory obligation to make such an inquiry is ever present and should evoke no surprise on the part of any applicant. In obedience to the plain mandate of that and other statutory provisions the Commission originally placed in issue the applicant's legal qualifications; that the remand order particularized the issue in some respects places upon the applicant no greater burden than that imposed on it before the hearing. The Commission's licensing practice in other cases may be germane to a consideration of the applicant's legal qualifications, but it provides no basis for permitting the applicant's amendment which is designed to avoid, through a substituted applicant, a determination under the law of the qualifications of the legal entity which filed the application and which participated in every phase of this proceeding. The applicant's claims of surprise at the "technical niceties" specified in the remand order as facets of the legal qualification issue do not so support the "good cause shown" requirement of § 1.365 as to justify permitting the proposed amendment substituting a new legal entity for the applicant which was heard.

It is for the foregoing reasons that the Reorganized Church petition is denied. We therefore omit discussion of the opposition contention that the amendment, if allowed, would constitute a new application which is prohibited by § 1.387 (b) (3). We also deem it unnecessary to weigh the proposed amendment's designed effectiveness in the light of the petitioner's statement that the proposed substituted corporate applicant is "an adjunct to the church organization". We here express no opinion upon the pertinency of the remand order issues to the legal qualifications of the corporation proposed by the amendment to be made an applicant herein.

Each petition before us requests a reopening of the record and a further hearing in order to show facts and circumstances set out in the amendments proposed. Neither petition requests a reopening of the record or a further hearing upon the issues pertaining to the applicants as constituted in the existing record. Therefore, our indicated denials of the petitions for leave to amend lead to denials of the petitions for reopening of the record and for further hearing. The instant petitions are denied because good cause for the amendments has not been shown. Further hearings, which in many respects would virtually amount to new hearings, would follow a grant of either petition. Such would not conduce to the orderly dispatch of the Commission's business, to the ends of justice or to the expeditious determination of issues presented to the Commission in its hearing proceedings. See: Memorandum Opinions and Orders in re Easton Publishing Company, et al., Docket No. 7179, et al., dated February 16 and May 23, 1950, 6 RR 21, 368; Memorandum Opinion and Order in re Lakeland Broadcasting Corporation, et al., Docket No. 8208, dated March 21 1950, 5 RR 701a; Commission Decision in re Huntington Broadcasting Company, et al., Docket No. 7694, dated January 27, 1950, 5 RR 721, @ 742, and in the same proceeding the Memorandum Opinion and Order of June 9, 1949, 5 RR 342; Memorandum Opinion and Order in re Johnston Broadcasting Company, et al., Docket No. 7945, dated January 26, 1950, 5 RR 1320.

At the suggestion of the Hearing Examiner and by agreement of counsel for the parties and for the Commission, it is deemed proper that the transcripts of the statements and arguments of counsel before the Hearing Examiner on July 10 and on August 2 should be made a part of the record in this proceeding. Furthermore, at the arguments heretofore held before the Hearing Examiner reference was made to the absence of proposed findings of fact or conclusions of law addressed to the particular questions stated in the Commission's order of remand. The ends of justice and the orderly and expeditious determination of the issues in this proceeding would be aided by proposed findings of fact and conclusions of law upon those stated phases of the issues. At the oral argument on August 2, counsel for the applicants and for the Commission were apprized of the intended disposition to be made of the pending petitions and of the other actions to be taken as hereinabove indicated and as hereinafter ordered. Counsel for each applicant stated on the record at the oral argument his respective exceptions to the indicated adverse rulings upon the petitions, and those exceptions are now noted in the record herein.

For the reasons hereinabove stated: *It is ordered*, This 15th day of August 1950 that the record herein is reopened and that the transcripts of the oral arguments before the Hearing Examiner on July 10 and August 2, 1950, be, and they are hereby filed and made a part of the record and the record is closed. *It is further ordered*, That the respective applicants' separate petitions for leave to amend and for further hearing upon the applications, as amended be, and each of them is denied. *It is further ordered*, That proposed findings of fact and conclusions of law particularly addressed to the matters stated in the Commission's remand order of June 22, 1950, be filed on behalf of the applicant Reorganized Church of Jesus Christ of Latter Day Saints and on behalf of the Commission; and the applicant Kansas City Broadcasting Co., Inc. is granted leave to file such proposed findings and conclusions upon the stated matters as it may desire; a period of 30 days is allowed for such filing, which time shall be computed from the date of public notice of the Commission's action upon review of this order; if this order be not appealed, the 30 days shall commence on the date of this order; thereafter a period of 10 days for reply is allowed. *It is further ordered*, That the record in this proceeding be reopened to permit the filing of the proposed findings and conclusions and replies as hereinabove directed and permitted, and upon expiration of the

time prescribed the record shall be deemed to be closed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 50-7687; Filed, Aug. 31, 1950; 8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1349]

SOUTH GEORGIA NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

AUGUST 28, 1950.

Take notice that South Georgia Natural Gas Company (Applicant), a Georgia corporation, First National Building, Birmingham, Alabama, filed on August 16, 1950, an amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described, and an application for an order pursuant to section 7 (a) of the Natural Gas Act directing Southern Natural Gas Company (Southern Natural), or in the alternative, directing Transcontinental Gas Pipe Line Corporation (Transcontinental) to establish physical connection with the proposed facilities of Applicant and sell natural gas to Applicant.

Applicant proposes to connect with Southern Natural's Gwinville-Aiken transmission line at a point approximately 13 miles northeast of Talboton, Georgia, and to construct approximately 170.4 miles of 12-inch, 8-inch, and 6-inch main line to Valdosta, Georgia, and Tallahassee, Florida. Applicant proposes to construct approximately 356.5 miles of 3-inch, 4-inch, 6-inch, 8-inch, and 10-inch laterals.

In the alternative, Applicant proposes to connect with the transmission facilities of Transcontinental at a point approximately 6 miles northeast of Newman, Georgia, and to construct an additional 53 miles of 12-inch pipeline.

Applicant proposes to serve the following communities in Georgia and Florida:

| Georgia: | Georgia—Continued |
|---|---|
| Adel. | Nashville. |
| Albany. | Ocilla. |
| Americus. | Oglethorpe. |
| Ashburn. | Pelham. |
| Bainbridge. | Quitman. |
| Butler. | Sylvester. |
| Cairo. | Thomasville. |
| Camilla. | Tifton. |
| Cordele. | Valdosta. |
| Dawson. | Vienna. |
| Ellaville. | Florida: |
| Fitzgerald. | Havana. |
| Leesburg. | Quincy. |
| Montezuma. | Tallahassee. |
| Moultrie. | |

The third year peak day requirements for firm sales is estimated to be 36,697 Mcf. The design capacity of the proposed facilites will be 45,000 Mcf per day.

The estimated cost of the facilities proposed to be connected with Southern Natural is $10,500,000; and $12,080,000, if connected with Transcontinental; to be financed by first mortgage bonds and junior securities.

Protests or petitions to intervene, unless already filed, may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The amended application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-7664; Filed, Aug. 31, 1950; 8:45 a. m.]

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[Project No. 405]

SUSQUEHANNA POWER CO. AND PHILADELPHIA ELECTRIC POWER CO.

NOTICE OF ORDER

AUGUST 28, 1950.

Notice is hereby given that, on August 25, 1950, the Federal Power Commission issued its order entered August 22, 1950, approving revised Exhibit K in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-7665; Filed, Aug. 31, 1950; 8:45 a. m.]

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[Docket No. E-6247]

CENTRAL MAINE POWER CO.

NOTICE OF ORDER

AUGUST 28, 1950.

Notice is hereby given that, on August 25, 1950, the Federal Power Commission issued its order entered August 22, 1950, approving maintenance of permanent connection for emergency use only in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-7666; Filed, Aug. 31, 1950; 8:45 a. m.]

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[Docket No. G-1457]

NORTHERN INDIANA FUEL & LIGHT CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that Northern Indiana Fuel & Light Company (Applicant), an Indiana corporation with its principal office in Auburn, Indiana, filed on July 28, 1950, an application pursuant to section 7 (a) and 7 (c) of the Natural Gas Act, as amended, for (1) an order directing Panhandle Eastern Pipe Line Company to establish physical connection of its transportation facilities with the facilities of Applicant and to sell natural gas to it from a point of connection of Panhandle Eastern's line near its Edgerton Station and (2) the issuance of a certificate of public convenience and necessity authorizing the construction and operation of approximately 31 miles of 8⅝-inch O. D. pipeline extending from Panhandle Eastern's Edgerton Compressor Station near Edgerton, Indiana, to a point of connection to be made on Applicant's system at Auburn, Indiana.

The application recites Panhandle Eastern is the only potential source of natural gas for service to Auburn, Garrett, Altoona, Kendallville, Avilla, Woodburn, Harlan, Grabill, Leo, Spencerville, St. Joe, and Waterloo, Indiana, which cities and environs have an estimated population of 24,000, and a portion of which are presently being served with manufactured gas; that the manufactured gas plant and facilities consist of a plant at Auburn, together with holders and related equipment, some 17.7 miles of high pressure transmission mains and 48.1 miles of high pressure distribution mains, approximately 4100 services and approximately 2916 meters.

Applicant alleges Panhandle Eastern has an adequate supply of natural gas to fill the Applicant's requirements, estimated to be 500 Mcf for the 1950–51 winter peak day; that the present service and plant and available supplies of manufactured gas are not sufficient adequately to serve the named communities at a rate permitting of expansion in the use of gas; and that the manufactured gas facilities are becoming obsolete and in such state of disrepair it is economically unfeasible to continue to so operate and repair considering the higher cost of manufactured gas, and the refinancing of a present capital structure now in serious default.

The estimated over-all capital cost of the proposed construction is $511,315.20, for which financing plans are to be furnished.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-7678; Filed, Aug. 31, 1950; 8:46 a. m.]

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[Docket No. G-1463]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation of Birmingham, Alabama, filed on August 16, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct line taps, metering and regulating facilities on its main transmission pipeline to sell and deliver natural gas to North Central Natural Gas District, Deer Creek Natural Gas District, Carthage Natural Gas District, the towns of Ethel, McCool, and Weir, all in Mississippi, and the towns of Aliceville and Carrollton in Alabama.

The North Central Natural Gas District proposes to serve the following communities in Mississippi.

| | |
|---|---|
| Ackerman. | Houston. |
| Mathiston. | Vardaman. |
| Eupora. | Derma. |
| Walthall. | Calhoun City. |
| Maben. | Pittsboro. |
| Mantee. | Bruce. |

The Deer Creek Natural Gas District proposes to serve the following communities in Mississippi.

| | |
|---|---|
| Cary. | Hollandale. |
| Rolling Fork. | Arcola. |
| Angulia. | |

The Carthage Natural Gas District proposes to serve the city of Carthage, Mississippi.

Applicant estimates peak day requirements in the fifth year of operation to be 6,209 Mcf; and the annual requirements to be 707,515 Mcf.

The estimated cost of the proposed facilities is $67,000 to be financed out of Applicant's current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-7679; Filed, Aug. 31, 1950; 8:46 a. m.]

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[Docket No. E-6309]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that on August 25, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine, with its principal business office at Reno, Nevada, and doing business in the States of Nevada and California, seeking an order authorizing the issuance of Debentures in the amount of $2,500,000, and 24,716 shares of Common Stock par value $15 per share having a face value of $370,740; the Debentures to be sold under competitive bidding will be issued under the terms of an Indenture to be dated as of October 1, 1950, with The Shawmut National Bank of Boston as Trustee; the Common Stock to be offered pro rata to the Preferred and Common Stockholders of the Company, pursuant to preemptive rights, on the basis of one share of the new stock for six shares of the Preferred Stock or twelve shares of the Common Stock. These securities are to be issued for the purpose of obtaining funds to pay off previous bank loans and to finance additional construction; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 15th day of September 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-7680; Filed, Aug. 31, 1950; 8:46 a. m.]

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[Docket No. G-1465]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

AUGUST 28, 1950.

Take notice that on August 17, 1950, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal office in Shreveport, Louisiana, filed an application for a temporary certificate and a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a compressor station consisting of five 440 hp. units, complete with auxiliary equipment and station piping, at Applicant's Carthage Gasoline Plant Site, near Carthage, Panola County, Texas.

Applicant states the station will be operated with average pressures of 300 and 400 psig suction and 1050 psig discharge, under which conditions the station will have a maximum daily capacity of approximately 30,000 Mcf, which will not increase the capacity of Applicant's Carthage-Sterlington Line as enlarged, but will compress approximately 30,000 Mcf of low pressure gas daily in order that said gas may be delivered into said Line as enlarged for transportation and sale through said facilities to existing customers. That approximately 20,000 Mcf of low pressure gas will be from Applicant's Waskom-Goodrich 22-inch transmission line and the other 10,000 Mcf from the operation of Applicant's Carthage Gasoline Plant.

The estimated over all capital cost of the proposed facilities is $530,000, all of which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of September 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 50-7681; Filed, Aug. 31, 1950; 8:46 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 29-A]

CANADIAN NATIONAL RAILWAYS (LINES IN CANADA) ET AL.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 29, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 29 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., August 26, 1950.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
*Agent.*

[F R. Doc. 50-7672; Filed, Aug. 31, 1950; 8:45 a. m.]

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[Rev. S. O. 562, King's I. C. C. Order 30-A]

ELGIN, JOLIET AND EASTERN RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Revised King's I. C. C. Order No. 30, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 30 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., August 26, 1950.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
*Agent.*

[F. R. Doc. 50-7673; Filed, Aug. 31, 1950; 8:45 a. m.]

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[Rev. S. O. 562, King's I. C. C. Order 33-A]

PITTSBURGH & WEST VIRGINIA RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 33, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 33 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., August 26, 1950.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement

and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
*Agent.*

[F. R. Doc. 50-7674; Filed, Aug. 31, 1950; 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2422]

SOUTHERN CO. ET AL.

NOTICE PURSUANT TO FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1950.

In the matter of The Southern Company, Alabama Power Company, and Georgia Power Company, File No. 70-2422.

The Commission on June 20, 1950, gave Notice of Filing Pursuant to Rule U-23 (Holding Company Act Release No. 9934) of certain joint applications-declarations, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 (the "act"), and Rules U-43 and U-50 promulgated thereunder, by The Southern Company ("Southern"), a registered holding company, and two of its public utility subsidiaries, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), with respect to the issuance and sale by Southern, at competitive bidding, of 1,000,000 shares of its authorized but unissued $5 par value common stock, and, for the purpose of assisting in financing the construction requirements of Alabama and Georgia, the investment by Southern of $6,000,000 in Alabama by the purchase of 60,000 additional shares of the no par value common stock of that company and $6,000,000 in Georgia by the purchase of 353,000 additional shares of the no par value common stock of Georgia.

Notice is hereby given that Southern, Alabama and Georgia have filed an amendment with this Commission to the joint applications-declarations herein, pursuant to sections 6 (a) and 7 of the act, relating to the borrowing by Southern of $12,000,000 from banks.

Notice is further given that any interested person may, not later than September 7, 1950, request the Commission in writing that a hearing be held on such matter, stating the nature of his interests and the issues of fact or law raised by said applications-declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications-declarations which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

The filing states that on July 11, 1950, due to the disturbed conditions of the financial market, Southern concluded to defer, pending improvement of such conditions, the proposed sale of 1,000,000 shares of its common stock. It now proposes to provide the funds necessary to make the proposed investments in the common stocks of Alabama and Georgia, pending consummation of the sale of said 1,000,000 shares of common stock, by borrowing $12,000,000 from 29 banks, to be evidenced by its unsecured notes payable on or before one year from the date of such notes, with interest at the rate of 2 percent per annum.

Southern states that it will sell the 1,000,000 shares of its common stock as soon as practical and feasible and, upon consummation of such sale, pay any amount then due and unpaid on the bank loan.

The applicants request that our order granting said applications-declarations, as amended, be issued on or before September 8, 1950, and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 50-7668; Filed, Aug. 31, 1950; 8:45 a. m.]

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[File Nos. 52-28, 54-183, 70-2402]

PITTSBURGH RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER APPROVING CERTAIN MATTERS WITH RESPECT TO PLAN AND ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of August 1950.

In the matter of Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor, and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183; Philadelphia Company, Allegheny County Steam Heating Company, Cheswick and Harmar Railroad Company, Duquesne Light Company, Equitable Real Estate Company, Equitable Sales Company; File No. 70-2402.

The Commission, by order dated March 27, 1950 (Holding Company Act Release No. 9759) and the United States District Court for the Western District of Pennsylvania, by orders dated May 1, 1950, having approved a plan ("Combined Plan") which was filed jointly by Elmer E. Bauer, ("Bauer") Trustee of Pittsburgh Railways Company, ("Railways") Debtor, and by Philadelphia Company, a registered holding company, for the reorganization of the Railways System under Chapter X of the Bankruptcy Act and section 11 (f) of the Holding Company Act and for the discharge, pursuant to section 11 (e) of the Holding Company Act, of Philadelphia Company's guarantees affecting certain securities of companies included in the Railways System, and the Commission having reserved jurisdiction in its said order over certain matters in connection with consummation of the Combined Plan; and

Bauer and Philadelphia Company having filed a joint application requesting a hearing on certain of the matters as to which jurisdiction had been so reserved; and

Philadelphia Company and its subsidiaries, Cheswick and Harmar Railroad Company, a non-utility company, Equitable Sales Company, a non-utility company, Equitable Real Estate Company, a non-utility company, and Duquesne Light Company, a public utility company, and the latter's subsidiary, Allegheny County Steam Heating Company, a non-utility company, having filed a joint application-declaration and an amendment thereto, pursuant to sections 9 (a), 10, 12 (c) and 12 (f) of the Holding Company Act and Rules U-42, U-43 and U-46 of the rules and regulations promulgated thereunder, with respect to the acquisition by Philadelphia Company of all the securities of and claims against the Railways System held by Philadelphia Company's non-traction subsidiaries and by its former subsidiary, Equitable Gas Company, as a necessary step preliminary to consummation of the Combined Plan; and

Public hearings having been held, after appropriate notice, at which hearings security holders and other interested persons were afforded an opportunity to be heard, and the Commission having considered the record, and having this day issued its Findings and Opinion herein:

*It is ordered*, Pursuant to sections 11 (e), 11 (f) and other applicable provisions of the Public Utility Holding Company Act of 1935, that:

(1) The proposed interim cash distribution by Railways of $17,075,000 to holders of claims based on securities and of $871,496 to holders of claims not based on securities is hereby approved;

(2) The proposed terms of the new bonds to be issued by New Company, with respect to the date from which interest will accrue and the date upon which the sinking fund provisions will become effective, are approved; and

(3) The proposed charter and by-laws of New Company are approved.

*It is further ordered*, That the joint application-declaration, as amended, of Philadelphia Company and certain of its non-traction subsidiaries, above-described, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject, further, to the condition that the securities and claims to be acquired by Philadelphia Company shall be held subject to the provisions of the Commission's Order of June 1, 1948 (Holding Company Act Release No. 8242), requiring, inter alia, that Philadelphia Company dispose of its interest in the Pittsburgh Railways System.

*It is further ordered*, That jurisdiction be, and hereby is, reserved with respect to the accounting entries proposed by Philadelphia Company to reflect the various acquisitions and also with respect to any and all legal fees and expenses to be paid in connection with the proposed acquisitions.

*It is further ordered*, That jurisdiction be, and hereby is, continued with respect to all other matters and issues in connection with the Combined Plan, not determined herein, as to which jurisdiction was heretofore reserved in the Commission's Order of March 27, 1950, including: the additional amount of cash, if any, which may be distributed in connection with consummation of the Combined Plan, the time of payment of accrued and unpaid interest on the new bonds to be issued by New Company, and the aggregate principal amount of such bonds to be issued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7669; Filed, Aug. 31, 1950; 8:45 a. m.]

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[File No. 70-2433]

CENTRAL AND SOUTH WEST CORP. AND WEST TEXAS UTILITIES CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of August A. D. 1950.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public utility company, and its parent, Central and South West Corporation, a registered holding company, have filed with this Commission a joint application and an amendment thereto with respect to the proposed acquisition of certain securities. The application, as amended, designates sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-40 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested party may, not later than September 7, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to the application, as amended, which is on file in the offices of the Commission for a statement of the proposed transactions, which may be summarized as follows:

West Texas, in connection with the sale to non-affiliated interests of a substantial part of its ice property for an aggregate consideration of $520,000, proposes to acquire certain securities, described as vendor's lien notes and purchase money notes, evidencing an aggregate of $421,000 of deferred payments of the sale price. The balance of $99,000 of the sale price is to be paid in cash. The $421,000 principal amount of notes being acquired is payable in installments during the years 1950 through 1954, together with interest at the rate of 5 percent per annum.

It is stated that the proceeds to be received from the proposed sale of ice properties are to be invested in permanent additions to or extensions of West Texas' electric utility properties.

Applicants request that an order, to become effective upon its issuance, be entered granting the application, as amended, and approving the acquisition by West Texas of the securities.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7670; Filed, Aug. 31, 1950; 8:45 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14929]

JAPANESE GOVERNMENT

In re: Bank account and time certificate owned by Japanese Government. F-39-3106-C-2; E-10.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. That certain debt or other obligation of Bank of America NT & SA, 485 California Street, San Francisco, California, arising out of a commercial account, entitled Japanese Consulates, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain Japanese Time Certificate No. 36943 for ¥63,157.89 presently in the custody of Sumitomo Bank of Seattle, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all rights thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-7695; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Vesting Order 14932]

MAX KOSTER

In re: Stock owned by Max Koster. F-28-30784-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Koster, whose last known address is 4 Thielenbrucher Allee, Koln-Dellbruck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty One (21) shares of no par value common capital stock of General Gas and Electric Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered ITG12431 for 1 share and certificate numbered GO29648 for 20 shares, registered in the name of Max Koster, presently in the custody of the Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and any and all rights of exchange under a plan of reorganization, effective December 1, 1945,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 50-7696; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Vesting Order 14936]

NORDSTERN LEBENSVERSICHERUNGS A. G.

In re: Debts owing to Nordstern Lebensversicherungs, A. G., also known as Nordsterm Allgemeine Versicherungs, A. G. F-28-8813.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nordstern Lebensversicherung A. G., also known as Nordsterm Allgemeine Versicherungs, A. G., the last known address of which is 2 Fehrbelliner Platz, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by five (5) City of Minneapolis, Minnesota, 4% Coupon Bonds, due March 1, 1942, each of $1,000.00 face value, and bearing the numbers 17071/5, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by coupons due from September 1, 1940, to March 1, 1942, detached from City of Minneapolis, Minnesota, 4% Coupon Bonds, numbered 17071/5, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nordstern Lebensversicherungsr A. G., also known as Nordsterm Allgemeine Versicherungs, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 50-7697; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Vesting Order 14938]

MARTHA E. PFOHL ET AL.

In re: Stock owned by and debt owing to Martha E. Pfohl, also known as Martha Pfohl Krust, as Marta Krust and as Marta Emilie Krust. D-28-12860-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha E. Pfohl, also known as Martha Pfohl Krust, as Marta Krust and as Marta Emilie Krust, whose last known address is 33 Mozartstrasse, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four and eight-tenths (4.8) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL 874947 for four (4) shares, VL 407167 for seven (7) shares, SL 86256 for seven (7) shares, VL 125494 for twenty-five (25) shares, and SL 88978 for five (5) shares of common no par value stock of the aforesaid Company, registered in the name of Martha E. Pfohl, 1134 Hinman Avenue, Evanston, Illinois, together with all declared and unpaid dividends thereon, and any and all rights to exchange said certificates for new certificates for $10.00 par value stock of the aforesaid Company, and

b. That certain debt or other obligation matured or unmatured evidenced by one (1) Cities Service Company 5% Gold Debenture, of $1,000.00 face value, due June 1, 1950, issued in bearer form and numbered M 45622, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid debenture,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 50-7698; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Vesting Order 14955]

JOHN M. BOSCHE

In re: Trust under the will of John M. Bosche, also known as Johannes Martin Bosche and as Juan Bosche, deceased. File No. D-28-12132; E. T. Sec. 16331.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erica Bushler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Trust created under the will of John M. Bosche, also known as Johannes Martin Bosche and Juan Bosche, deceased, and in and to the Estate of John M. Bosche, also known as Johannes Martin Bosche and Juan Bosche, deceased, is property payable or deliverable to or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Crocker First National Bank of San Francisco, California, and John H. Bosche, as co-executors, acting under the judicial supervision of the Superior Court of California, County of Alameda;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 50-7699; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Vesting Order 14962]

HEDWIG HOEFLE

In re: Estate of Hedwig Hoefle, deceased. File No. D-28-12865; E. T. sec. 17028.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Becker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Hedwig Hoefle, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requises that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 50-7700; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Return Order 691]

COMPAGNIE DE PRODUITS CHIMIQUES ET ELECTROMETALLURGIQUES ALAIS, FROGES ET CAMARGUE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Compagnie de Produits Chimiques et Electrometallurgiques Alais, Froges et Camargue, Paris, France; Claim Nos. A-241 and 40681; June 1, 1950 (15 F. R. 3442); an undivided one-half interest in and to property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 326,804 (now United States Letters Patent No. 2,345,170). Property described in Vesting Order No. 293 relating to United States Patent Application Serial Nos. 377,049 (now United States Letters Patent No. 2,354,006) and 377,048 (now United States Letters Patent No. 2,376,681). Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,034,339; 2,069,705; 2,245,505; and 2,264,429. This return shall not be deemed to include the rights of any licensees under the aforementioned patent applications and patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 50-7702; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Return Order 721]

ELSA BAUML ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim Number, Notice of Intention To Return Published, and Property*

Elsa Bauml, Claim No. 42386; Ida Heske, Claim No. 42387; Adelheid (Ada) Theil, a/k/a Ada Thiel, Claim No. 42388; Hedwig Intichar, Claim No. 42389; All of Graz, Austria; July 14, 1950 (15 F. R. 4479); $9,831.48 cash in the Treasury of the United States, one-fourth to each claimant. All right, title and interest of Elsa Bauml, Ida Heske, Adelheid Theil (a/k/a Ada Thiel), and Hedwig Intichar in and to the trust created under the will of Arthur M. Elsig, deceased; this trust is being administered by Chemical Bank and Trust Company, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 50-7703; Filed, Aug. 31, 1950; 8:49 a. m.]

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[Return Order 717]

KATHARINA KROPF AND MARIE SCHUETZ

Having considered the claims set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Katharina Kropf, nee Korner, Weisenkirchen, Lower Austria, Claim No. 40915; Marie Schuetz, nee Korner, Vienna, Austria, Claim No. 40985; July 14, 1950 (15 F. R. 4479); $2,934.45 cash in the Treasury of the United States, one-half thereof to each claimant. All right, title and interest of the claimants in and to the Estate of Theresia Korner, deceased, administered in the Orphans' Court, Gloucester County, New Jersey.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 50-7641; Filed, Aug. 30, 1950; 8:51 a. m.]

[Vesting Order 14968]

CARLA TOEPFER KUEHNE

In re: Estate of Carla Toepfer Kuehne, deceased. File No. D-28-10786; E. T. sec. 15133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertraudel Toepfer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Carla Toepfer Kuehne, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Leona May Mosser, as executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[P. R. Doc. 50-7701; Filed, Aug. 31, 1950; 8:49 a. m.]